



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/348,618 07/06/99 LARSON

J

JERRY JOHNSON
715 N EWING STREET
HELENA MT 59601

PM82/0214

EXAMINER

BARFIELD, A

ART UNIT

PAPER NUMBER

3636
DATE MAILED:

02/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/348,618

Applicant(s)

Larson

Examiner

Anthony Barfield

Group Art Unit

3636

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3636

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1,12,14 and 26 the phrase "the valve actuation lever" has no antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1,4-9,11 and 14-15,18-23,25 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Stumpf. Stumpf discloses the use of height adjustable supporting structure (10) comprising a height adjustable column (14), which is inherently connected to a floor contacting base. The applicant further shows the use of an actuation lever

Art Unit: 3636

(116) disposed on the column and which extends through openings (22,32) of a first and second upright opposing surfaces (18). Stumpf further shows the height adjustable column comprising the use of top (18) and bottom tube (14) in telescoping relationship (see Figure 5). The bottom tube indirectly includes the upright surfaces (via the top tube mounted thereon).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wirges et al in view of Stumpf. Wirges shows the use of a height adjustable supporting structure comprising a height adjustable column comprising a locking telescoping mechanism. The telescoping spring mechanism includes a cylinder section (8) disposed within a stand tube (1) and a piston section (9). Wirges et al. shows all of the teachings of the claimed invention except the use of a first and second upright surfaces having an actuation lever disposed therebetween. Stumpf teaches the use of a height adjustable column having first and second upright surfaces with an actuation lever disposed therebetween (see above rejection). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the height adjustable column of Wirges et al., with the upright surfaces and actuator lever of Stumpf, in order to eliminate the drawbacks of the

Art Unit: 3636

conventional lever actuators by providing a more easier to use actuator. Furthermore, it would have been an obvious multiplicity of parts to provide a third and fourth upright surface with a second actuation lever.

7. Claims 12-13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stumpf. Stumpf shows all of the teachings of the claimed invention except the use of third and fourth upright surfaces and a second actuation lever. It would have been an obvious multiplicity of parts to provide a third and fourth upright surface with a second actuation lever.

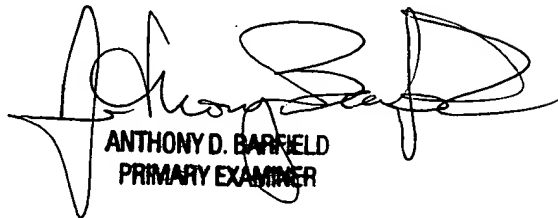
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference No. 3,837,704, 5,577,804, 6,079,786 show features of the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D. Barfield whose telephone number is (703) 308-2158.

adb

February 11, 2001


ANTHONY D. BARFIELD
PRIMARY EXAMINER